

Notice of Allowability

Application No.

09/722,607

Examiner

Stefano Karmis



Applicant(s)

WHITE ET AL.

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Appeal Brief filed 15 August 2006.
2. ☒ The allowed claim(s) is/are 1-3, 6-11, 13-15 and 18-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. The following communication is in response to Applicant's Appeal Brief filed 15 August 2006.

Status of Claims

2. Claims 1-3, 6-11, 13-15, 18-23 and 25-27 are currently pending.

Response to Amendment

3. Applicant's arguments and request for reconsideration of the finality filed 15 August 2006 of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Election/Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-3, 6-11, 13-15 and 18-23 are drawn to a method for conducting an auction for a sponsor comprising; receiving score computation information and computing respective composite scores classified in class 705, subclass 37.
 - II. Claims 25-27 are drawn to a graphical user interface of a computer and a window used to display information regarding the content of an auction classified in class 705, subclass 35.

Art Unit: 3691

5. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombinations I and II have separate utility. Invention I is drawn a method for conducting an auction for a sponsor comprising; receiving score computation information and computing respective composite scores. Invention II is a graphical user interface of a computer comprising a window used to display information regarding the content of an auction.

Inventions I and II are distinct because the method of conducting an auction for a sponsor is mutually exclusive from a window in a graphical user interface and therefore Inventions I and II do not overlap in scope and are not obvious variants of one another. See MPEP § 806.05(d).

During a telephone conversation with Philip Articola (Registration No. 38,819) on 09 November 2006 a provisional election was made without traverse to prosecute the invention of Invention I, claim 1-3, 6-11, 13-15 and 18-23. Affirmation of this election must be made by applicant in replying to this Office action. Claim 25-27 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Therefore claims 1-3, 6-11, 13-15 and 18-23 are under prosecution in this application.

Examiner's Amendment

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

Art Unit: 3691

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Philip Articola (Registration No. 38,819) on 09 November 2006.

The application has been amended as follows:

Please cancel claims 25-27.

Allowable Subject Matter

7. The following is an examiner's statement of reasons for allowance:

The prior art of record (Carlton-Foss, U.S. Patent 6,647,373) teaches a method and system for processing and transmitting electronic reverse auction information by evaluating bids and proposals (Abstract). Carlton-Foss teaches a bid ranking utilizing information such as cost, evaluations and purchaser-assigned weighting representing the importance of each evaluation dimension to rank bids (column 10, line 57 thru column 11, line 5). Information from two tables is merged by the bid ranking manager and a weighted sum represents the total number of points earned by a particular bid (column 12, lines 8-62).

The prior art of record fails to teach a method for conducting an auction for a sponsor, wherein the step of receiving a bid from one or more participants comprises: receiving values corresponding to the selected categories before the bid is submitted; calculating a weighted value for each one of the selected categories based on the parameters and weight for each of the

Art Unit: 3691

selected categories and the received values; determining a composite score based on the weighted values for each of the selected categories; and displaying the composite score to the participant from which the values were received before the bid is submitted as discussed in the specification on page 10, line 7 thru page 12, line 10. For these reasons, claim 1 is deemed to be allowable over the prior art of record. Independent claim 13 is allowed for reasons similar to claim 1. Claims 2, 3, 6-11, 14, 15 and 18-23 are allowed based on their dependency.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


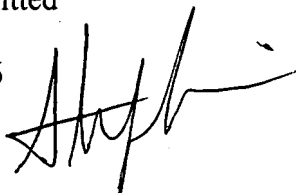
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3691

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
10 November 2006



HANI M. KAZIMI
PRIMARY EXAMINER